

Notice of Allowability

Application No.

10/748,768

Examiner

James M. Hewitt

Applicant(s)

COMMEVILLE ET AL.

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to replies filed 2/25/05, 6/16/05 and 9/1/05.
2. ☒ The allowed claim(s) is/are 1-6, 8-19 and 21-28 which will appear as claims 1-26 respectively when the patent issues.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____


JAMES M. HEWITT
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Troy Cole on 11/10/05.

The application has been amended as follows:

In claim 1 line 6, "and" has been deleted.

In claim 1 line 10, "supply" has been replaced with --supply;--.

In claim 1 line 12, the period has been replaced with --; and--.

In claim 1 line 13, the phrase --wherein the front and middle portions are constructed to allow mortar to be placed around the sides of the front portion and part of the middle portion so that a plurality of bricks can be installed flush with the face of the front portion.-- has been inserted as a separate paragraph.

Claim 7 has been canceled.

In claim 8 line 1, "7" has been replaced with --1--.

In claim 15 line 3, "building wherein the longitudinal axis of" has been replaced with --building, wherein--.

In claim 18 line 2, "building" has been replaced with --building,--

In claim 18 line 3, "the longitudinal axis" has been deleted.

Claim 20 has been canceled.

In claim 21 line 1, "20" has been replaced with --19--.

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In claim 22 line 3, --hose bib-- has been inserted before "containment".

In claim 22 line 5, the phrase "along a longitudinal axis substantially perpendicular to" has been replaced with --in a substantially perpendicular direction away from--.

In claim 22 line 8, "are" has been replaced with --is--.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose, singly or in combination, an apparatus as claimed in detail in claims 1 or 22, a method as claimed in detail in claim 15, or a construction as claimed in detail in claim 18.

The closest prior art includes Hill (US 4,473,244) and Gaghan (US 536,801).

Regarding claim 1, Hill at least fails to teach or fairly suggest the limitation "wherein the middle portion extends along a longitudinal axis of the hose bib a greater length than the front portion or the back portion". Gaghan at least fails to teach or fairly suggest the limitation "wherein the front and middle portions are constructed to allow mortar to be placed around the sides of the front portion and part of the middle portion so that a plurality of bricks can be installed flush with the face of the front portion."

Regarding claim 15, Hill at least fails to teach or fairly suggest the limitation "wherein the middle portion extends in a substantially perpendicular

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direction away from the exterior wall in a length greater than the front portion or the back portion". Gaghan at least fails to teach or fairly suggest the limitation "placing mortar and bricks around the hose bib containment device so that the bricks are substantially flush with a face of the front portion".

Regarding claim 18, Hill at least fails to teach or fairly suggest the limitation "wherein the middle portion extends away from the exterior wall in a direction substantially perpendicular to the exterior wall in a length greater than the front portion or the back portion". Gaghan at least fails to teach or fairly suggest the limitation "bricks and mortar fixed on the exterior wall surrounding the containment device, said bricks being substantially flush with a face of the containment device".

Regarding claim 22, Hill at least fails to teach or fairly suggest the limitation "wherein the middle portion extends in a substantially perpendicular direction away from the exterior wall greater length than the front portion or the back portion". Gaghan at least fails to teach or fairly suggest the limitation "a plurality of bricks placed around the hose bib containment device, wherein a surface of said bricks is substantially flush with a face of the front portion".

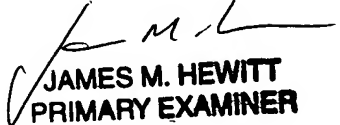
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JAMES M. HEWITT
PRIMARY EXAMINER